

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MIGUEL A. PATINO BRACAMONTES,)
)
Plaintiff,)
)
v.)
)
CHASE HOME FINANCE LLC, et al.,)
)
Defendants.)
_____)

Case No.: C 10-3888 PVT

**ORDER CONTINUING BRIEFING AND
HEARING SCHEDULE; AND SETTING NEW
DEADLINE FOR PARTIES TO FILE EITHER A
“CONSENT TO PROCEED BEFORE A
UNITED STATES MAGISTRATE JUDGE,” OR
ELSE A “DECLINATION TO PROCEED
BEFORE A UNITED STATES MAGISTRATE
JUDGE AND REQUEST FOR
REASSIGNMENT”**

On September 7, 2010, Defendants Chase Home Finance, LLC, Deutsche Bank National Trust, and JPMorgan Chase Bank, N.A. filed a motion to dismiss.¹ Pursuant to Civil Local Rule 73-1(a)(2),² no later than one week after that motion was filed each party was required to file either a written consent to the jurisdiction of the Magistrate Judge, or request reassignment to a District Judge.³ None of the parties have yet done so. Therefore, based on the file herein,

IT IS HEREBY ORDERED that the hearing on the motion to dismiss is CONTINUED to

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

² A copy of the court’s Civil Local Rules are available from the clerk of the court, or from the “Rules” section of the court’s website (www.cand.uscourts.gov).

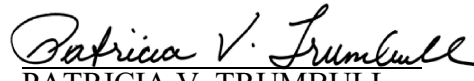
³ Magistrate Judges have authority to hear dispositive motions, such as the motion to dismiss, only in cases where all parties have consented to Magistrate Judge jurisdiction. *See* 28 U.S.C. § 636(c)(1).

1 December 7, 2010 at 10:00 a.m. in Courtroom 5 of this court. The deadline for Plaintiff to file an
2 opposition brief is extended to November 12, 2010.⁴ Plaintiff can find information about responding
3 to the motion in the court's Handbook for Litigants Without a Lawyer, which is available from the
4 clerk of the court, or by clicking on the "Pro Se Handbook" link in the list on the right-hand side of
5 the court's website.

6 IT IS FURTHER ORDERED that Defendants may file a reply brief no later than November
7 23, 2010.

8 IT IS FURTHER ORDERED that the deadline for the parties to file either a "Consent to
9 Proceed Before a United States Magistrate Judge," or else a "Declination to Proceed Before a United
10 States Magistrate Judge and Request for Reassignment," is extended to November 9, 2010. Both
11 forms are available from the clerk of the court, or from the "Forms" section of the court's website
12 (www.cand.uscourts.gov).

13 Dated: 10/18/10

14 
15 PATRICIA V. TRUMBULL
16 United States Magistrate Judge
17
18
19
20
21
22
23
24
25

26 ⁴ Plaintiff has not yet filed any written opposition to the motion. *See* CIV.L.R. 7-3(a) ("Any
27 opposition to a motion must be served and filed not less than 21 days before the hearing date.").
28 Because Plaintiff is representing himself *pro se*, the court finds it appropriate to extend the deadline for
filing the opposition. *See, Draper v. Coombs*, 792 F.2d 915, 924 (9th Cir. 1986) (Under Ninth Circuit
case law, *pro se* litigants are treated with "great leniency" when evaluating compliance with "the
technical rules of civil procedure").

Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on 10/18/10 to:

Miguel A. Patino Bracamontes
14780 Butano Terrace
Saratoga, CA 95070

/s/ Donna Kirchner for
OSCAR RIVERA
Courtroom Deputy